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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,767	03/16/2004	Kazumoto Kondo	09812.0413	3421
22852	7590	06/12/2008	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			PARKER, BRANDON	
			ART UNIT	PAPER NUMBER
			2174	
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			06/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/801,767

Applicant(s)

KONDO ET AL.

Examiner

BRANDON PARKER

Art Unit

2174

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claims 13-30 remain pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitaka et al (US Publication 2003/0220995 hereinafter, "Hitaka") in view of Martin et al (US Patent No. 6,272,484 hereinafter, "Martin").

Regarding claim 13, Hitaka discloses an information processing system comprising a data storage apparatus for storing a plurality of pictures (Par. 0124 lines 1 and 2), a plurality of picture URLs associated with the plurality of pictures, a plurality of thumbnail pictures associated with the plurality of pictures, and a plurality of thumbnail picture URLs associated with the plurality of thumbnail pictures (Par. 0125 lines 1-4, Par. 0459 lines 1-3, Par. 0208 lines 1-16), the data storage apparatus (i.e. photo site) providing the plurality of thumbnail pictures (Par. 0124 lines 1 and 2) and the plurality of thumbnail picture URLs to a first viewing apparatus and a second viewing apparatus (Par. 0208 lines 1-16);

a connection apparatus for connecting the first viewing apparatus and the second viewing apparatus (Hitaka Claim 1) over a network (Internet, Fig. 1 Drawing);

Hitaka discloses a first viewing apparatus but does not explicitly show the first viewing apparatus comprising: a first display unit for displaying the plurality of thumbnail pictures received from the data storage apparatus and for displaying a first cursor at a location of one of the plurality of thumbnail pictures, wherein the first cursor is moved on the first display unit based on a user input;

However Martin discloses an image file capturing a displayed visual representation of the web page is generated and stored on the computer (i.e. storage apparatus) at a first location (i.e. first viewing apparatus). Furthermore Martin discloses a thumbnail representation is generated from the displayed visual representation and the first and second locations are then associated with the thumbnail (Col. 7 lines 40-46, Abstract), wherein a user may move cursor to select any of the thumbnails displayed in the thumbnail region.

a detecting unit for detecting a movement of the first cursor and for specifying a new thumbnail picture at a new location of the first cursor (Col. 8 lines 6-16);

and a transmitting unit for transmitting a new thumbnail picture URL associated with the new thumbnail picture specified (Col. 9 lines 39-47) by the detecting unit to the second

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viewing apparatus; (i.e. second location), Note: Martin discloses storing the image file at a second location, (Martin Claim 1)

and the second viewing apparatus (i.e. client computer system, Fig. 1 Drawing) comprising:

a second display unit for displaying the plurality of thumbnail pictures received from the data storage apparatus and for displaying a second cursor at a location of one of the plurality of thumbnail pictures (Martin Claim 1) ; and

a receiving unit for receiving the new thumbnail picture URL transmitted by the transmitting unit of the first viewing apparatus, whereby the second display unit is refreshed to display the second cursor in a new location of a new thumbnail picture associated with the new thumbnail picture URL received from the first viewing apparatus (Col. 12 lines 27-31, Martin Claim 1).

It would have been obvious to one skilled in the art at the time of invention to combine the cursor movement of Martin with the information processing system of Hitaka to efficiently transfer images from one apparatus to another.

Claims 22 and 28 are similar in scope to claim 13 and are rejected for at least the same reasons.

Regarding claim 14, Hitaka discloses an information processing system of claim 13, wherein, when enlarging a thumbnail picture selected by the first cursor on the first display unit, the first viewing apparatus sends a thumbnail picture URL (i.e. thumbnail

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URL) associated with the thumbnail picture to the data storage apparatus (i.e. print site), (Par. 0406 lines 1-4);

the data storage apparatus provides a picture (i.e. image) and a picture URL (i.e. URL) associated with

the thumbnail picture URL to the first viewing apparatus (Par. 0406 lines 4-8); the first display unit displays the picture ; and

the first viewing apparatus (i.e. information processing apparatus) transmits (i.e. transfers) the picture URL to the second viewing apparatus (i.e. another information processing apparatus), (Hitaka Claim 4).

Claims 23 and 29 are similar in scope to claim 14 and are rejected for at least the same reasons.

Regarding claim 15, Hitaka discloses an information processing system of claim 13, wherein at least one of the picture, the picture URL, the thumbnail picture, and the thumbnail picture URL is transmitted from the first viewing apparatus to the second viewing apparatus through the connection apparatus (Hitaka Claim 4).

Claims 24 and 30 are similar in scope to claim 15 and are rejected for at least the same reasons.

Regarding claim 16, Hitaka discloses an information processing method comprising:

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storing a plurality of pictures, a plurality of picture URLs associated with the plurality of pictures (i.e. URLs), a plurality of thumbnail pictures associated with the plurality of pictures (i.e. thumbnail URL), and a plurality of thumbnail picture URLs associated with the plurality of thumbnail pictures (i.e. images) in a data storage apparatus (i.e. photo site), (Par. 0127 lines 1-7);

providing the plurality of thumbnail pictures and the plurality of thumbnail picture URLs(i.e. thumbnail image acquisition URL) from the data storage apparatus to a first viewing apparatus and a second viewing apparatus (i.e. photo site), (Par. 0322 lines 1-4);

displaying the plurality of thumbnail pictures received from the data storage apparatus on a first display unit of the first viewing apparatus (Par. 0322 lines 1-4);

displaying a first cursor at a location of one of the plurality of thumbnail pictures on the first display unit (Par. 0323 lines 3-5);

displaying the plurality of thumbnail pictures received from the data storage apparatus on a second display unit of the second viewing apparatus (Par. 0323 lines 3-5);

displaying a second cursor at a location of one of the plurality of thumbnail pictures on the second display unit (Par. 0128 lines 1-5).

connecting the first viewing apparatus and the second viewing apparatus over a network via a connection apparatus (Par. 0223 lines 1-12, Par. 0324 lines 1-4);

receiving, at the first viewing apparatus, a user input for moving the first cursor (Par. 0252); moving the first cursor on the first display unit based on the received user input (Par. 0252); detecting a movement of the first cursor; specifying a new thumbnail picture

at a new location of the first cursor (Par. 0252); Note: Hitaki discloses a method of moving a cursor/button used to select an album wherein a cursor is moved from one thumbnail picture to a specified new thumbnail picture (Par. 0252).

transmitting a new thumbnail picture URL associated with the new thumbnail picture from the first viewing apparatus to the second viewing apparatus (Par. 0169 lines 7-11); receiving, at the second viewing apparatus, the new thumbnail picture URL transmitted from first viewing apparatus (Par. 0321 lines 3-5); and

Hitaka discloses a first viewing apparatus but does not explicitly show refreshing the second display unit to display the second cursor at a new location.

However Martin discloses refreshing the second display unit to display the second cursor at a new location of a new thumbnail picture associated with the new thumbnail picture URL received from the first viewing apparatus (Col. 12 lines 27-31, Martin Claim 1).

It would have been obvious to one skilled in the art at the time of invention to combine the cursor movement of Martin with the information processing system of Hitaka to efficiently transfer images from one apparatus to another.

Claims 19 and 25 are similar in scope to claim 16 and are rejected for at least the same reasons.

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Regarding claim 17, Hitaka discloses an information processing method of claim 16, further comprising enlarging a thumbnail picture selected by the first cursor on the first display unit by:

transmitting a thumbnail picture URL associated with the thumbnail picture from the first viewing apparatus to the data storage apparatus (Par. 0223 lines 1-12, Par. 0324 lines 1-4);

transmitting (i.e. transferring) a picture and a picture URL associated with the thumbnail picture

URL from the data storage apparatus to the first viewing apparatus (Hitaka Claim 4);

displaying the picture on the first display unit (Par. 0323 line 1-5); and

transmitting the picture URL from the first viewing apparatus to the second viewing apparatus (Hitaka Claim 4).

Claims 20 and 26 are similar in scope to claim 17 and are rejected for at least the same reasons.

Regarding claim 18, Hitaka discloses an information processing method of claim 16, further comprising transmitting at least one of the picture, the picture URL, the thumbnail picture, and the thumbnail picture URL from the first viewing apparatus to the second viewing apparatus through the connection apparatus (Par. 0128 lines 1-5).

Claims 21 and 27 are similar in scope to claim 18 and are rejected for at least the same reasons.

Response to Arguments

Applicant's arguments filed 01/25/2008 have been fully considered but they are not persuasive.

Applicant argues that Hitaki and Martin fail to disclose "displaying the second cursor at.....a new thumbnail picture associated with the new thumbnail picture URL moved by a user on the first device"

Applicant respectfully disagrees, in response, Hitaki discloses a user PC selects (i.e. a cursor) a thumbnail image corresponding to an album to be printed and sends print information in accordance with a user's instruction, and also sends an estimation instruction to the print site. Note after the thumbnail image is acquired, the print site 109A displays an image select dialog 4400 shown in FIG. 43 (Par. 0322).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON PARKER whose telephone number is (571)270-1302. The examiner can normally be reached on M-F 9-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRANDON PARKER/
Examiner, Art Unit 2174
06/08/2008

/David A Wiley/
Supervisory Patent Examiner, Art Unit 2174